

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	NO.
)	
v.)	
)	(JUDGE)
WILLIAM T. SHARKEY, Sr,)	
)	
Defendant.)	(ELECTRONICALLY FILED)

INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION

At all times pertinent to this Information:

1. The defendant **WILLIAM T. SHARKEY, Sr.** was the Court Administrator for the Court of Common Pleas for Luzerne County, Pennsylvania, a local government agency, having served as Deputy Court Administrator for approximately 25 years before being appointed to his present position in 1998.
2. Luzerne County, Pennsylvania is a local government.
3. The defendant **WILLIAM T. SHARKEY, Sr.** was appointed to the office of Court Administrator by the Pennsylvania Supreme Court and was a state employee of the Administrative Office of the Pennsylvania Courts, a state government agency.

4. The Commonwealth of Pennsylvania, Luzerne County and the Court of Common Pleas for Luzerne County each received federal assistance in excess of \$10,000 during each of the one-year periods beginning on January 1, 1998 and ending on December 31, 2008

5. The defendant **WILLIAM T. SHARKEY, Sr.** was charged with overseeing the administration of the Luzerne County Court of Common Pleas. In that capacity, the defendant **WILLIAM T. SHARKEY, Sr.** was responsible for case management, document control and disposition of funds received by Luzerne County in connection with court proceedings.

6. The defendant **WILLIAM T. SHARKEY, Sr.** had a fiduciary duty to the Court of Common Pleas for Luzerne County, the Administrative Office of the Pennsylvania Courts and to the citizens of Pennsylvania to manage, control and make proper disposition of funds that came into his possession by reason of his office as Court Administrator.

7. In his capacity as Court Administrator for the Court of Common Pleas for Luzerne County, the defendant **WILLIAM T. SHARKEY, Sr.** was responsible for taking custody and making proper disposition of gambling proceeds and assets seized in Luzerne County by the Pennsylvania Liquor Control Board and the Pennsylvania State Police.

8. Once the gambling assets had been turned over to him, the defendant would obtain a forfeiture order from a judge of the Court of Common Pleas. It was then his responsibility to turn those forfeited proceeds over to the Treasurer for Luzerne County.

9. When proceeds and assets seized from gambling organizations have been forfeited by order of court, a member of the court distributes the funds for the benefit of the citizens of Luzerne County.

10. Between 1998 and 2008, the defendant **WILLIAM T. SHARKEY, Sr.**, in his capacity as Court Administrator for the Court of Common Pleas for Luzerne County, Pennsylvania, embezzled, stole and obtained by fraud in excess of \$70,000 in seized gambling proceeds from Luzerne County, from the Court of Common Pleas for Luzerne County and from the citizens of Pennsylvania, converting the money to his own use.

11. The defendant **WILLIAM T. SHARKEY, Sr.** was able to execute his scheme to embezzle, steal and obtain public money by fraud by reason of his having control over both the forfeited funds and the court records relating to the forfeiture of those funds. Once he obtained an order of forfeiture from a Luzerne County Common Pleas judge, the defendant would not file the order in the Court records and would misapply the funds for his own benefit. Thus, the Treasurer for

Luzerne County would have no record of the forfeiture of the gambling proceeds and would be unaware of the existence of the money. Likewise, the judges of the Court of Common Pleas would have no record of a forfeiture order in the Court Administrator's records and no accounting of the funds from the Treasurer for Luzerne County.

THE UNITED STATES ATTORNEY FURTHER CHARGES:

COUNT ONE

1. The United States Attorney hereby incorporates by reference, as though fully set forth herein, each of the allegations set forth in the Introduction portion of this Information.

2. Between on or about June 10, 1998 up to on or about June 27, 2008, in Luzerne County, Pennsylvania and within the Middle District of Pennsylvania, the defendant

WILLIAM T. SHARKEY, Sr.

did intentionally misapply and knowingly embezzle, steal, obtain by fraud and otherwise without authority convert to his use and to the use of others, both he and the others being persons other than the rightful owners, property valued at \$5,000 or more and owned by and under the care, custody, and control of Luzerne County and the Luzerne County Court of Common Pleas.

In violation of Title 18, United States Code, § 666(a)(1)(A).

THE UNITED STATES ATTORNEY FURTHER CHARGES:

COUNT TWO

1. The United States Attorney hereby incorporates by reference, as though fully set forth herein, each of the allegations set forth in the Introduction portion and in Count One of this Indictment. These allegations are re-alleged and by this reference fully incorporated herein for the purpose of forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 982.

2. Upon conviction of the of the offenses alleged in the Information portion and in Count One, the defendant **WILLIAM T. SHARKEY, Sr.** shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(3) all property, real and personal, which represents or is traceable to the gross receipts obtained, as a result of such violations, and all property traceable to such property, including, but not limited to:

- A. Any property constituting, and derived from, any proceeds the defendant **WILLIAM T. SHARKEY, Sr.** obtained, directly or indirectly, as the result of the aforestated violations;
- B. Any of the defendant **WILLIAM T. SHARKEY, Sr.**'s property used and intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense;

- C. United States currency in the amount of \$70,362.78 And all interest and proceeds traceable thereto, in that such sum in the aggregate is property which was involved in the aforesated offenses and is traceable to such property, in violation in Title 18, United States Code, 666(a)(1)(A).

3. If any of the property described in this Count of the Indictment, as being subject to forfeiture, as a result of any action or omission of the defendants,

- A. Cannot be located upon the exercise of due diligence;
- B. Has been transferred or sold to, or deposited with a third person;
- C. Has been placed beyond the jurisdiction of the Court;
- E. Has been substantially diminished in value; or
- F. Has been commingled with other property which cannot be subdivided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and 28 U.S.C. § 2461(c).

All pursuant to Title 18, United States Code, Sections 982(a)(3) and 28 U.S.C. §2461(c).

Martin C. Carlson
MARTIN C. CARLSON
UNITED STATES ATTORNEY

2-3-09
DATE

